

FILED  
10-30-2018  
Clerk of Circuit Court  
Outagamie County  
2018CV000409

DATE SIGNED: October 30, 2018

Electronically signed by John A. Des Jardins  
Circuit Court Judge

STATE OF WISCONSIN

CIRCUIT COURT  
BRANCH VII

OUTAGAMIE COUNTY

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In the Matter of the INCORPORATION OF  
A PORTION OF LANDS COMPRISING  
THE TOWN OF GREENVILLE,  
Outagamie County, Wisconsin, as a Village  
Pursuant to the Provisions in Ch. 66,  
Wisconsin Statutes.

Case No.: 18-CV-409

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**ORDER REFERRING THE PETITION TO INCORPORATE THE TOWN  
OF GREENVILLE TO THE WISCONSIN DEPARTMENT OF  
ADMINISTRATION INCORPORATION REVIEW BOARD AND  
DENYING VILLAGE OF HORTONVILLE MOTION TO DISMISS  
PETITION**

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A Petition for the incorporation of the Town of Greenville, Outagamie County, Wisconsin having been filed with the Court on April 24, 2018; the motions of the Town of Grand Chute, Town of Ellington and Village of Hortonville to become a party to the proceedings having been granted; the Court having held a hearing on August 29, 2018 with appearances by counsel for the Town of Greenville and Petitioner, counsel for the Town of Ellington, counsel for the Town of Grand Chute and counsel for the Village of Hortonville; the Village of Hortonville having filed a motion to dismiss the petition; the Court having allowed briefing on the issues, and the Court having heard the evidence and read the briefs and being fully advised in the premises finds as follows:

1. A Notice of Intention to file an incorporation petition was published at least 10 days and not more than 20 days before circulation (§66.0203(1)).
2. The petition for incorporation was signed by more than 50 persons who are both electors and freeholders of the Town of Greenville (§66.0203(2)(a)).
3. The petition was addressed to and filed with the Circuit Court within six months of the date of publication of the notice of intention to circulate (§66.0203(2)(b)).
4. The petition designated a representative and alternate along with addresses; the petition described the territory with sufficient accuracy along with a map reasonably showing the boundaries of the territory; the petition specified the current resident population by number; the petition set forth facts substantially establishing the required standards for incorporation; and the petition requested the Court to order a referendum and to certify the incorporation when it is found that all requirements have been met (§66.0203(2)(c)).
5. The circulation of the petition was commenced not less than 10 days nor more than 20 days after the date of publication of the notice of intention to circulate (§66.0203(2)(f)).
6. Notice of the filing of the petition and of the date of hearing before the Court was published as a class 2 notice and given by certified mail to the clerk of the town in which the territory is located and to the clerk of each of the municipalities of the metropolitan community not less than 10 days before the time of the hearing (§66.0203(4)).
7. There has been no filing with the Court of any annexation resolution by a municipality whose boundaries are contiguous to the territory to be incorporated and there has been no annexation proceeding initiated that affects any territory included in the incorporation petition (§66.0203(6)(8)).
8. The petition met the following minimum requirements of Section 66.0205(3) Wis. Stats.:
  - a. Area, 2 square miles
  - b. Resident population, 2,500
  - c. Density, at least 500 persons in any one square mile.

9. The record and transcript of the hearing on August 29, 2018 and October 18, 2018 are incorporated by reference.

**NOW THEREFORE, IT IS HEREBY ORDERED** that the Petition be referred to the Wisconsin Department of Administration, Incorporation Review Board.

**IT IS FURTHER ORDERED** that the motion of the Village of Hortonville to dismiss the petition is hereby denied on grounds that the Petition met the requirements of Sections 66.0203 and 66.0205 Wis. Stats.